

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**JERSEY MIKE'S FRANCHISE
SYSTEMS, INC.**

Plaintiff,

v.

**AMERICAN ARBITRATION
ASSOCIATION, INC., OPHELIA
AUGUSTINE, and CECELIA LAHR**

Defendants.

Civil Action No. 3:23-cv-03444-GC-TJB

**DECLARATION OF TIMOTHY COUGHLAN IN SUPPORT OF
DEFENDANTS OPHELIA AUGUSTINE AND CECELIA LAHR'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

I, **Timothy Coughlan, Esq.** hereby declare under penalty of perjury under the laws of the United States the following:

1. I am a Director at the law firm of Maron Marvel Bradley Anderson & Tardy, LLC and admitted to practice in this Court. My firm represents Defendants Ophelia Augustine and Cecelia Lahr in the above-captioned matter. As such, I am fully familiar with the facts set forth herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of the terms and conditions present on Plaintiff's website as of January 25, 2023. This is an identical copy of the terms and conditions which were submitted to the American Arbitration Association to initiate arbitration on or about that same date.

3. Plaintiff's URL to its website can be found here:
<https://www.jerseymikes.com>

4. A link to the current Website Terms of Use can be found here:

<https://www.jerseymikes.com/terms-of-use>. Upon information and belief sometime after January 25, 2023, Plaintiff updated the Website Terms of Use on its website to this current version. I have not engaged in a full comparison to identify all the changes, but one change that is present is the change from the arbitration service provider AAA to JAMS. See the section entitled “Mandatory Dispute Resolution for Registered Users.

5. Upon information and belief both Augustine and Lahr became registered users by providing their cellular telephone numbers to Plaintiff at some time prior to the initiation of their respective arbitrations.

Dated: August 17, 2023
Jersey City, New Jersey

**MARON MARVEL BRADLEY
ANDERSON & TARDY LLC**

BY: s/ Timothy Coughlan
Timothy Coughlan
Harborside Plaza 10
3 Second Street, Suite 202
Jersey City, NJ 07311
**Attorneys for Defendants
Ophelia Augustine and Cecelia
Lahr**